

1                   IN THE UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF ILLINOIS  
3                   EAST ST. LOUIS DIVISION

4 GREGG L. DUCKWORTH,           )  
5                                    )  
6                   Plaintiff,        )  
7                                    )  
8                   vs.                ) Case No. 3:02-CV-00381-JLF  
9                                    )  
10                  DAVID J. MADIGAN, MAHER )  
11                  AHMAD, M.D., and        )  
12                  FRANCIS KAYIRA, M.D.,    )  
13                                    )  
14                  Defendants.            )

**ORIGINAL**

15                   THE DISCOVERY DEPOSITION OF

16 DAVID J. MADIGAN, the witness herein, called by the  
17 Plaintiff for examination pursuant to notice and pursuant  
18 to the provisions of the Code of Civil Procedure and the  
19 Rules of the Supreme Court thereof pertaining to the  
20 taking of depositions, taken before me, Daphne G. Killam,  
21 CSR, License No. 084-004413, a Notary Public in and for  
22 the State of Illinois, at 402 West Church Street, in the  
23 City of Champaign, County of Champaign, and State of  
Illinois on the 3rd day of May, A.D., 2006, commencing at  
2:00 p.m.

1 A. Yes.

2 Q. And what does that stamp say?

3 A. Disposition approved.

4 Q. And what would that mean?

5 A. I would take it that the request to destroy  
6 those forms listed would be approved.

7 Q. That's just your understanding of it?

8 A. Yes.

9 Q. What is the date of this form? Am I correct, it  
10 has been stamped as being received on a certain date?

11 A. The one in the lower right-hand corner?

12 Q. I'm sorry, sir, I'm back to the top of the  
13 document. Do you see received stamp? I'll point that  
14 out to you.

15 A. December 21, 2005.

16 Q. Okay. So am I correct that this would indicate  
17 the resident request forms for 1999 had been destroyed  
18 sometime after December 21, 2005; is that right?

19 A. I would say that, yes.

20 Q. Okay. I would like to ask you now, sir, more  
21 about the relationship between Champaign County and  
22 Wexford. You previously testified that Champaign County  
23 had a contract with Wexford for providing medical

1 services to the inmates; is that correct?

2 A. That's correct.

3 Q. Okay. And you were the sheriff at the time the  
4 decision was made to contract out those services; is that  
5 correct?

6 A. That's correct.

7 Q. Did you have any role in that decision?

8 A. Pardon?

9 Q. Did you have any role in that decision in terms  
10 of -- let me ask the first question. How was that  
11 decision made?

12 A. As I recall, I took it to the county board to  
13 request that medical services be contracted out through  
14 the county board process that was approved.

15 Q. And what was your reason for doing that?

16 A. Hopefully an up-to-date medical system -- a  
17 professional medical system be brought into the facility.

18 Q. Did you have any other reasons for doing that?

19 A. Not that I recall.

20 (WHEREIN, the Court Reporter marked Deposition  
21 Exhibit No. 4 for identification purposes.)

22 BY MR. McCURDY:

23 Q. Sir, I'll hand you what has been marked as

1 Plaintiff's Exhibit 4. Do you recognize this document?

2 A. It looks like the agreement between Champaign  
3 County Jail and Wexford Health Services, Incorporated.

4 Q. Am I correct that it's dated the first day of  
5 May 1995 in the first paragraph there?

6 A. Yes, that is correct.

7 Q. If you will turn to the very last page, do you  
8 recognize that as your signature under title of sheriff?

9 A. That's correct.

10 Q. Did you have any role in the actual negotiation  
11 of this contract other than going to the county board and  
12 suggesting that they contract services?

13 A. Not that I recall. I don't know.

14 Q. If you'll turn to Page 8 of his document under  
15 Paragraph 24, it indicates the contract will be for three  
16 years; is that right?

17 A. That's correct.

18 Q. So that would take this, if I am correct, to  
19 May 1, 1998, this started in '95, correct?

20 A. Yes.

21 Q. It also states that you had two roll-over  
22 optional years; is that right?

23 A. That is what it says here, yes.

1 Q. Do you know if, in fact, this contract was  
2 extended?

3 A. I believe it was.

4 Q. Okay. Do you have any documentation showing  
5 that it was this contract that was in effect in  
6 1999/2000?

7 A. Pardon?

8 Q. If -- this Paragraph 24 contains a term stating  
9 that there is an option for the contract to continue  
10 beyond 1998. And we're talking about healthcare that  
11 occurred in 1999 to 2000. Okay?

12 I'm just asking if you were aware -- you already  
13 testified you believe it was extended, correct?

14 A. That's correct.

15 Q. Are you aware of any documentation such as a  
16 letter from you or from Wexford indicating that it would  
17 continue?

18 A. That I don't recall. I don't know.

19 Q. But it's your understanding that this would have  
20 been the contract in place at that time?

21 A. Yes.

22 Q. Do you know how much Wexford was paid for their  
23 services?